

Appeal Process

The Compilation of Rules and Regulations of the State of Georgia §672-1-.05 provides in pertinent part:

The hearing and appeal procedures provided for in the Georgia Administrative Procedure Act shall be followed in cases which are directed by statute to be conducted pursuant to the Administrative Procedure Act and in cases where no procedure is specified by law. Contested cases, including appeals to the Commissioner demanding return of monies collected under the provisions of Code Section 32-6-27, O.C.G.A., heard pursuant to the Georgia Administrative Procedure Act shall be conducted in accordance with the procedures provided therein and the following procedures:

(a) Initiating a contested case. Any person who is legally entitled to contest a ruling or order of the Department may do so by filing with the Department a request for hearing which shall contain the following:

1. A title which indicates the nature of the proceedings;
2. The complete name and address of the party filing the request;
3. The name and address of all other interested parties;
4. A clear and concise statement of the facts upon which the contested case arises;
5. A prayer setting forth the relief sought; and
6. If the party filing the request is represented by counsel, the name and address of counsel.

(b) Limitation on right to a hearing.

1. The Department will grant hearings as a matter of right only upon timely receipt of a request therefore as described in (a) above, but may, in its discretion, allow extensions of time and amendment of requests for good cause shown, except where an extension of time for a request for a hearing is not permitted by law.
2. Limitation on right to a hearing in cases involving over weight vehicle enforcement statutes. The Department will grant an agency review as a matter of right only upon a timely receipt of a request as prescribed in Georgia Laws 1974, p. 1422, but may, in its discretion, allow extensions of time and amendments of request for good cause shown except where an extension of time for a request for a hearing is not permitted by law.

(c) Responses to requests for hearing. The Department will respond to all requests for hearings with a notice scheduling a hearing or with an order denying the request for hearing and stating the reasons for a denial.

(d) Motions. Any application to the Department to enter any order or take any action after the filing of a request for hearing shall be by motion which, unless made during a hearing, shall be made in writing, shall state specifically the grounds therefore, and shall set forth the action or order sought. No motion shall be ruled upon except when the case in chief is ruled upon unless the moving party specifically requests a ruling at some other time and the agency deems such ruling appropriate.

(e) Hearings. Hearings in all contested cases shall be conducted before a hearing officer appointed by the Department. Upon conclusion of a hearing, the hearing officer shall prepare an initial decision, a copy of which shall be mailed to the party requesting the hearing. Such a decision on bidder prequalification will be mailed no later than ten (10) days after the hearing.